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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13
14 Plaintiff,

15 vs.

16 PHILIP HURBACE,
17 SYLVIANE WHITMORE,
18 LARRY MCDANIEL,
19
20 Defendants.

Case No.: 2:17-cr-110 APG-DJA

**STIPULATION TO EXTEND
DEADLINE TO FILE REPLY; AND TO
CONTINUE SENTENCING HEARING
DATES**

21 The parties, Phillip Hurbace, by and through his counsel, Osvaldo Fumo, Esq.,
22 Sylviane Whitmore, by and through her counsel, Lisa A. Rasmussen, Larry McDaniel,
23 by and through his counsel, Daniel Hill, and the United States, by and through its
24 counsel, Assistant United States Attorney Richard Anthony Lopez, hereby stipulate as
25 follows:
26
27

28 STIPULATION TO EXTEND DEADLINE TO FILE REPLY; AND TO CONTINUE SENTENCING HEARING
DATES - 1

1 1. Presently, Defendants' Reply to their Motion for New Trial is due on
2 today's date.

3 2. Defense counsel seek an 18 day extension of this deadline, to September
4 16, 2022.

5 3. The government does not oppose this extension of time.

6 4. Presently, all three defendants are scheduled to be sentenced on September
7 22, 2022 at 10:30 am (Hurbace); 1:30 pm (McDaniel) and 2:30 pm (Whitmore). Due to
8 the extension requested herein and to provide the court sufficient time to rule on the
9 pending Motion for New Trial, and the potential impact on any sentence for Whitmore
10 and McDaniel, the parties stipulate that it in the best interest to continue the sentencing
11 dates to a date not earlier than December 2022.

12 5. Denial of this request would cause prejudice to the Defendants Whitmore
13 and McDaniel and this request for an extension of time is not made for the purpose of
14 delay.
15

16 Dated this 29th day of August 2022.

17 **The Law Offices of Kristina Wildeveld & Associates,**

18
19 */s/ Lisa A. Rasmussen*

20 _____
21 LISA A. RASMUSSEN, ESQ.
22 Counsel for Sylviane Whitmore

23 **Hill Law Firm,**

24 */s/ Daniel Hill*

25 _____
26 DANIEL HILL, ESQ.
27 Counsel for Larry McDaniel

Pitaro & Fumo

/s/ Osvaldo Fumo

OSVALDO FUMO, ESQ.
Counsel for Phillip Hurbace

**JASON FRIERSON,
United States Attorney
District of Nevada**

/s/ Richard Anthony Lopez

BY: RICHARD ANTHONY LOPEZ
Assistant United States Attorney

ORDER

Pursuant to the Stipulation of the parties, and good cause appearing,
IT IS HEREBY ORDERED that the deadline for Defendants to file their Reply to
the Motion for New Trial is hereby extended to September 16, 2022.

IT IS FURTHER ORDERED that the sentencing dates presently scheduled for
10:30 a.m., 1:30 p.m. and 2:30 p.m. on September 22, 2022 are hereby reset to:

9:00 a.m. on January 19, 2023, for Phillip Hurbace;

1:30 p.m. on January 19, 2023, for Larry McDaniel; and

2:30 p.m. on January 19, 2023, for Sylviane Whitmore.

Dated: August 30, 2022



The Honorable Andrew P. Gordon
United States District Judge

STIPULATION TO EXTEND DEADLINE TO FILE REPLY; AND TO CONTINUE SENTENCING HEARING
DATES - 3